

111TH CONGRESS
1ST SESSION

S. 711

To require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 25, 2009

Mr. BAUCUS introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Post-Deployment
5 Health Assessment Act of 2009”.

6 **SEC. 2. MENTAL HEALTH SCREENINGS FOR MEMBERS OF**
7 **THE ARMED FORCES DEPLOYED IN CONNEC-**
8 **TION WITH A CONTINGENCY OPERATION.**

9 (a) MENTAL HEALTH SCREENINGS.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, the Sec-
3 retary of Defense shall issue guidance for the provi-
4 sion of an in-person mental health screening for
5 each member of the Armed Forces who is deployed
6 in connection with a contingency operation as fol-
7 lows:

8 (A) At a time during the period beginning
9 180 days before the date of deployment in con-
10 nection with the contingency operation and end-
11 ing 90 days before the date of deployment in
12 connection with the contingency operation.

13 (B) At a time during the period beginning
14 90 days after the date of redeployment from the
15 contingency operation and ending 180 days
16 after the date of redeployment from the contin-
17 gency operation.

18 (C) Subject to subsection (d), not later
19 than each of 6 months, 12 months, and 18
20 months after the screening provided under sub-
21 paragraph (B).

22 (2) EXCLUSION OF CERTAIN MEMBERS.—A
23 mental health screening is not required for a mem-
24 bers of the Armed Forces under subparagraphs (B)
25 and (C) of paragraph (1) if the Secretary determines

1 that the member was not subjected or exposed to
2 combat stress during deployment in the contingency
3 operation concerned.

4 (b) PURPOSE.—The purpose of the mental health
5 screenings provided pursuant to this section shall be to
6 identify Post Traumatic Stress Disorder (PTSD), suicidal
7 tendencies, and other behavioral health issues identified
8 among members of the Armed Forces described in sub-
9 section (a) in order to determine which such members are
10 in need of additional care and treatment for such health
11 issues.

12 (c) ELEMENTS.—

13 (1) IN GENERAL.—The mental health
14 screenings provided pursuant to this section shall—

15 (A) be performed by personnel trained and
16 certified to perform such screenings in accord-
17 ance with such criteria as the Secretary of De-
18 fense shall establish; and

19 (B) include an in-person dialogue between
20 members of the Armed Forces described in sub-
21 section (a) and personnel described by para-
22 graph (1) on such matters as the Secretary
23 shall specify in order that the screenings
24 achieve the purpose specified in subsection (b)
25 for such screenings.

1 (2) TREATMENT OF CURRENT ASSESSMENTS
2 AND SCREENINGS.—The Secretary may treat peri-
3 odic health assessments and other in-person
4 screenings that are provided members of the Armed
5 Forces as of the date of the enactment of this Act
6 as meeting the requirements for mental health
7 screenings required under this section if the Sec-
8 retary determines that such assessments and in-per-
9 son screenings meet the requirements for mental
10 health screenings established by this section.

11 (d) CESSATION OF SCREENINGS.—No mental health
12 screening is required to be provided an individual under
13 subsection (a)(1)(C) after the individual's discharge or re-
14 lease from the Armed Forces.

15 (e) SHARING OF INFORMATION.—

16 (1) IN GENERAL.—The Secretary of Defense
17 shall share with the Secretary of Veterans Affairs
18 such information on members of the Armed Forces
19 that is derived from confidential mental health
20 screenings, including mental health screenings pro-
21 vided pursuant to this section and health assess-
22 ments and other in-person screenings provided be-
23 fore the date of the enactment of this Act, as the
24 Secretary of Defense and the Secretary of Veterans
25 Affairs jointly consider appropriate to ensure con-

1 tinuity of mental health care and treatment of mem-
 2 bers of the Armed Forces during their transition
 3 from health care and treatment provided by the De-
 4 partment of Defense to health care and treatment
 5 provided by the Department of Veterans Affairs.

6 (2) PROTOCOLS.—Any sharing of information
 7 under paragraph (1) shall occur pursuant to a pro-
 8 tocol jointly established by the Secretary of Defense
 9 and the Secretary of Veterans Affairs for purposes
 10 of this subsection. Any such protocol shall be con-
 11 sistent with the following:

12 (A) Applicable provisions of the Wounded
 13 Warrior Act (title XVI of Public Law 110–181;
 14 10 U.S.C. 1071 note), including in particular,
 15 section 1614 of that Act (122 Stat. 443; 10
 16 U.S.C. 1071 note).

17 (B) Section 1720F of title 38, United
 18 States Code.

19 (f) CONTINGENCY OPERATION DEFINED.—In this
 20 section, the term “contingency operation” has the mean-
 21 ing given that term in section 101(a)(13) of title 10,
 22 United States Code.

23 (g) REPORTS.—

24 (1) REPORT ON GUIDANCE.—Upon the issuance
 25 of the guidance required by subsection (a), the Sec-

1 retary of Defense shall submit to Congress a report
2 describing the guidance.

3 (2) REPORT ON IMPLEMENTATION OF GUID-
4 ANCE.—Not later than one year after the date of the
5 issuance of the guidance required by subsection (a),
6 the Secretary shall submit to Congress a report on
7 the implementation of the guidance by the military
8 departments. The report shall include an evidence-
9 based assessment of the effectiveness of the mental
10 health screenings provided pursuant to the guidance
11 in achieving the purpose specified in subsection (b)
12 for such screenings.

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